

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.3058 2006

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Dated: 17-02-2006

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Between

Gurram Veera Venkata Satyanarayana,
S/o. Adinarayana, Hindu, aged about 42 years,
Occ: Business, R/o.D.No.33-1-20, Main Road,
Kakinada, East Godavari District and others.

... PETITIONERS

AND

The Commissioner, Municipal Corporation,
Kakinada, East Godavari District.

... RESPONDENT

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus to declare the action of the respondents in widening the roads by demolishing the petitioners' structures situated on the Main Road, Cinema Road, Temple Street, Sambamurthy Nagar, Kakinada, East Godavari District without issuing any notice and without paying compensation as illegal and arbitrary.

The Learned counsel for the petitioners submits that the petitioners are the owners of different premises in Kakinada town and municipality. The Kakinada municipality has been recently upgraded as Municipal Corporation. In view of the traffic congestion and to have free flow of traffic the Kakinada Municipal Corporation has decided to widen the roads, for which they have identified certain roads in the entire Kakinada municipal corporation. Learned counsel for the petitioners further submits that the petitioners are not at all against the road-widening programme of the respondents and they have no objection for the said programme if their lands are acquired and if proper compensation is paid.

The only grievance of the petitioners is that the respondents without issuing any notices, without paying any compensation for their structures or the lands and without following due process of law, are threatening to demolish the existing structures of the petitioners for the purpose of road-widening.

The learned counsel for the petitioners further submits that the action of respondents without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act is utter violation of the principles of natural justice as well as Sections 146 or 147 of the Municipal Corporation Act (for short 'the Act').

This Court disposed of number of writ petitions directing the respondents not to demolish the houses of the private citizens without following due process of law.

Having regard to the facts and circumstances of the case, this writ petition is disposed of directing the respondents not to demolish the structures or take away any portion of the properties of the petitioners and not to dispossess them without following due process of law under Sections 146 or 147 of the Act or private negotiations or initiating the proceedings under the Land Acquisition Act, 1894. No costs.

V. ESWARAIAH, J

February 17, 2006

DSK